

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**PAULA FIELDS,**

**Plaintiff,**

**Case No. 3:11-cv-156**

**vs.**

**Judge Thomas M. Rose**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Magistrate Judge Michael J. Newman**

**Defendant.**

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**ENTRY AND ORDER OVERRULING FIELDS' OBJECTIONS (Doc. #15)  
TO THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATIONS (Doc. #14) IN ITS ENTIRETY;  
AFFIRMING THE COMMISSIONER'S FINAL NON-DISABILITY  
DETERMINATION; DENYING FIELDS' REQUEST TO REMAND THIS  
MATTER AND TERMINATING THIS CASE**

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Plaintiff Paula Fields (“Fields”) brought this action pursuant to 42 U.S.C. § 405(g) for judicial review of the decision of the Defendant Commissioner of Social Security (the “Commissioner”) that she is not disabled and, therefore, not entitled to Social Security disability benefits. On July 13, 2012, United States Magistrate Judge Michael J. Newman entered a Report and Recommendations (doc. #14) recommending that the Commissioner’s Decision be affirmed and that Fields’ request to remand be denied. Fields subsequently filed Objections (doc. #15) and the time has run and the Commissioner has not responded to Fields’ Objections. This matter is, therefore, ripe for decision.

Fields sought financial assistance from the Social Security Administration by applying

for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) in September of 2003 alleging disability since January 15, 2002. Fields subsequently amended her alleged disability onset date to June 1, 2003. Fields claims disability due to chronic cluster headaches, cardiac arrhythmia, heart disease, generalized osteoarthritis with degenerative lumbar disc disease of the “L.S. spine,” asthma and lupus inhibitor.

The Commissioner denied Fields’ application initially and on reconsideration. Administrative Law Judge (“ALJ”) Daniel R. Shell (“Shell”) held a hearing, and subsequently determined that Fields was not disabled. The Appeals Council denied Fields’ request for review and ALJ Shell’s decision became the Commissioner’s final decision. Fields then appealed to this Court pursuant to 42 U.S.C. § 405(g).

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Based upon the reasoning and citations of authority set forth in the Magistrate Judge’s Report and Recommendations (doc. #14) and in Fields’ Objections (doc. #15), as well as upon a thorough de novo review of this Court’s file and a thorough review of the applicable law, this Court adopts the aforesaid Report and Recommendations in its entirety and, in so doing affirms the Commissioner’s decision that Fields is not disabled in accordance with Social Security regulations.

WHEREFORE, Fields’ Objections to the Magistrate Judge’s Report and Recommendations are OVERRULED, and this Court adopts the Report and Recommendations of the United States Magistrate Judge (doc. #14) in its entirety. The Commissioner’s decision that Fields is not disabled in accordance with Social Security regulations is affirmed and Fields’ request to remand this matter is denied. Finally, the captioned cause is hereby ordered terminated

upon the docket records of the United States District Court for the Southern District of Ohio,  
Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this Twenty-Eighth Day of August, 2012.

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**s/Thomas M. Rose**

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JUDGE THOMAS M. ROSE  
UNITED STATES DISTRICT COURT

Copies furnished to:  
Counsel of Record